

Remarks

This is a complete response to the Office Action mailed January 26, 2006. These amendments and accompanying remarks are proper, do not include new matter, are broadening and thus not narrowing in view of a bona fide prior art rejection, do not require the Examiner to perform additional searching, and place all claims in condition for allowance.

Withdrawal of Claim 20

Applicant reiterates that claim 20 was erroneously withdrawn by the Examiner as being drawn to a nonelected group. Again, the Applicant previously elected and prosecution has continued on the group I claims which includes claim 20. The most recent amendment to claim 20 was in response to the Examiner's rejection for indefiniteness, but it did not substantively change the subject matter of the claim. In any event, the Examiner's apparent moving of claim 20 from the group I (subcombination) claims to the group II (combination) claims is reversible error because claim 20, as a dependent claim, requires all the features of the group I claim 18 from which it depends. MPEP 806.05(c). Reconsideration of the withdrawal and substantive examination of claim 20 are respectfully requested.

Rejection Under Section 102

All pending claims were rejected as being anticipated by Gertel '269. Applicant respectfully traverses the rejection in view of the amendments made to independent claims 1, 10, 18, and 21 solely in order to more particularly point out and distinctly claim that which is patentable subject matter over all the art of record.

These independent claims as amended herein more particularly recite the flexible diaphragm as being convex in relation to the elastomeric element. Gertel '269 contrarily discloses a convex diaphragm.

Curiously, the Examiner bases the rejection of dependent claims 9 and 24 on the following statement: "when the diaphragm is fully inflated the chamber would be trapezoidal shaped." There is absolutely no evidence from Gertel '269 to support the Examiner's contention that the diaphragm 86 could be pressurized to the point that it becomes trapezoidal shaped. To the contrary, there are several references to the necessity for the concave-shaped portions wedged between the piston 81 and the housing 88. In fact, the lateral stiffness created by these concave-shaped portions is the purpose for the resilient vibration damper unit 84.

In accordance with the evidentiary provisions of 37 CFR 1.104, and in view of the complete lack of evidence substantiating the Examiner's rejection because it is entirely based on his own personal knowledge, Applicant now respectfully requests the Examiner support the rejection by an affidavit which shall be subject to contradiction or explanation by the affidavits of Applicant and other persons.

Otherwise, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 10, 18, and 21 and the claims depending therefrom.

Conclusion

This is a complete response to the Office Action mailed January 26, 2006. Applicant respectfully requests that the Examiner pass all of the pending claims to issuance.

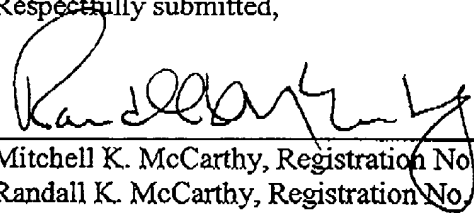
Applicant has submitted herewith another request for a first telephone interview to be

held after such time the Examiner has fully considered this Amendment but before the next action on the merits, if it is determined that all claims are not in condition for allowance.

The telephone interview is necessary to clarify the patentable distinction of the present embodiments as claimed over the cited reference as well as all other art of record. The Examiner is invited to contact the below signed Attorney should any questions arise concerning this response or request for interview.

Respectfully submitted,

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